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3 UNITED STATES DISTRICT COURT

4 DISTRICT OF NEVADA

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6 BRUCE BIRCH,

Case No. 3:20-cv-00423-MMD-WGC

7 v.

Plaintiff,

ORDER

8 GLORIA CARPENTER, *et al.*,

9 Defendants.

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11 On July 16, 2020, Plaintiff Bruce Birch, then a prisoner in custody of the Nevada
12 Department of Corrections (“NDOC”), initiated this prisoner civil rights action under 42
13 U.S.C. § 1983 along with an application to proceed *in forma pauperis*. (ECF Nos. 1, 1-1.)
14 On January 14, 2021, while the case was awaiting screening, Defendant Carpenter filed
15 a suggestion of death on the record. (ECF No. 16.)

16 Pursuant to Federal Rule of Civil Procedure 25(a)(1), “[i]f a party dies and the claim
17 is not extinguished, the court may order substitution of the proper party. A motion for
18 substitution may be made by any party or by the decedent’s successor or representative.
19 If the motion is not made within 90 days after service of a statement noting the death, the
20 action by or against the decedent must be dismissed.” Fed. R. Civ. P. 25(a)(1). As such,
21 if there is no motion for substitution within 90 days of the date of this order, the Court will
22 dismiss the case.

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In the meantime, the Court denies all pending motions (ECF Nos. 1, 4) as moot with leave for the moving party to request reinstatement of their motion within seven days from the Court's order granting any motion to substitute the proper party.

DATED THIS 15th Day of January 2021.



MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE